

# **EXHIBIT 57**

Letter dated October 20, 1939 to Walker River Irrigation District  
from William M. Kearney

WILLIAM M. KEARNEY  
ATTORNEY AT LAW  
RENO, NEVADA

October 20, 1939

Walker River Irrigation District  
Yerington, Nevada

Gentlemen:

I returned from Washington last Saturday, the 14th instant, after having finally disposed of the matter of the appeal on the case of United States vs. Walker River Irrigation District and others, known as the "Indian Suit".

When I arrived at Washington, I learned that the Attorney General's Department had already had the record on appeal certified by the Circuit Court of Appeals and sent on to Washington to be filed with the Supreme Court on October 14. The Special Assistant to the Attorney General, in charge of the case, had a petition for certiorari and brief prepared to file on the last day allowed by statute.

I obtained an oral understanding and stipulation at my first conference with the Special Assistant Attorney General that they would not require us to go to the expense of duplicating the record in the Circuit Court of Appeals but that we could refer to and use the record that was certified to the Supreme Court on the Government appeal. This was quite a concession because if the Government filed its record on appeal on the 14th of October, 1939, which was also the last day on which we could file our cross-appeal, we would be obliged to have our own record ready to file.

During this conference, I indicated to the Special Assistant to the Attorney General that the district would not file a cross-appeal if they would agree with us not to file their appeal. (These are strictly not appeals but petitions for certiorari, which are similar to appeals.) The Government seemed to be under the impression that we were not seriously contemplating a cross-appeal but when I showed them a copy of our petition for certiorari and brief already printed with sufficient copies ready to file at that moment, they considered the matter more seriously and undertook a series of conferences with the solicitor for the Department of the Interior and the solicitor for the Bureau of Indian Affairs concerning the whole matter.

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Walker River Irrigation District

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The Special Assistant to the Attorney General, I believe, urged the attorneys for the Department of the Interior and the Bureau of Indian Affairs to accept our proposition and not to proceed further with the case.

It was, of course, the Board's instruction that if the United States did not appeal that we should not file our appeal inasmuch as the amount of water allotted to the Indians by the Circuit Court of Appeals was only slightly in excess of the amount awarded by Judge St. Sure.

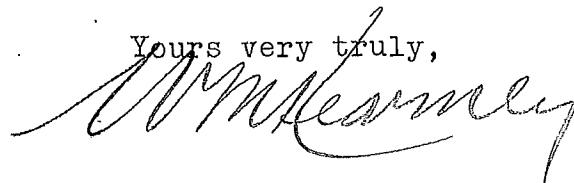
The two Departments finally agreed to drop their appeal and not file it even though they had the record ready to file. They required me to agree, however, that none of the defendants would file an appeal if they dropped theirs, which I was in a position to do, inasmuch as all of the defendants were represented on our petition for certiorari because all of the defendants took the same position as the district.

The time for appeal expired on Saturday, October 14, 1939, and, as a consequence, the case is now definitely at an end and the remittitur will be sent down from the Circuit Court of Appeals in the near future.

Before leaving for Washington, I found it necessary to engage Baker, Selby & Ravenel, a firm of attorneys located at Washington, to look after certain details that necessarily would arise in Washington if we proceeded with our cross-appeal. Mr. Baker accompanied me on the conferences to the Attorney General's office and to the office of the solicitor for the Department of the Interior and will send me a statement of his charges, which he indicated would be reasonable. He did not fix a fee because we did not know whether it would be necessary to do any further work on the case after our conferences with the attorneys for the two departments.

The settlement of this case on the basis of 26 feet of water for the Government will remove the threat of the uncertainty of the future requirements of the Indians up to 150 second feet and thus more definitely fix land values in the district.

Yours very truly,



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